

## ***DUCKWATER SHOSHONE TRIBE***

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RRR000693

January 10, 2008

EIS OFFICE  
US Department of Energy  
Office of Civilian Radioactive Waste Management  
1551 Hilshire Dr.  
Las Vegas, Nevada 89314

Subject: Comment to Draft Supplement Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada-Nevada Rail Transportation Corridor DOE/EIS-0250F-S2 and Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada

To Whom It May Concern,

Here are the comments of the Duckwater Shoshone Tribe regarding the above mentioned EIS' prepared by the Department of Energy-Yucca Mountain Project.

### **Proposed Action**

- 1 [ **2.4.5 Cultural Resources**  
If the proposed rail corridor is to be built, Native American concerns such as Sacred Sites, TCP's, mineral sources, plant gathering areas (medicinal, food, and ceremonial), doctoring places, needs to be addressed along the entire route of the proposed rail corridor. ]
- 2 [ **2.4.12 Environmental Justice**  
Native American Environmental Justice is not addressed in this section. ]

### **Affected Environment and Evaluation of Impacts-Mina Rail Corridor**

- 3 [ **3.2.5.2 Potential Impacts to Cultural Resources**  
The EIS needs to address the impacts to mineral (paint) sources along the corridor that will be impacted by the rail line, especially along the Culprite and Stonewall area. ]

#### **4.3 Unavoidable Adverse Impacts/Irretrievable Commitments of Resources**

##### **4.3.1.5 Cultural Resources**

DOE should make every effort to work with the Tribes who have aboriginal and traditional ties to avoid cultural resources along the entire rail corridor.

The Duckwater Shoshone Tribe's concerns also cover these areas in Affected Environment.

#### **3.2 Caliente Rail Alignment**

##### **3.2.2.5.2.1 Mineral Resources**

The EIS needs to address impacts to mineral (paint) sources along the corridor that will be impacted.

##### **3.2.7.2.1 Vegetation**

Traditional plant gathering areas along the Yucca Mountain, Nye County rail corridor needs to be addressed.

##### **3.2.7.3.2.1 Mammals**

Big horn lambing areas that may be impacted by the rail corridor needs to be assessed. Native American traditional/cultural knowledgeable about bighorn sheep areas along the YMP rail corridor.

##### **3.2.7.3.2.3 Reptiles**

The chuckwalla lizard habitat northern most areas need to be addressed and concerns addressed about this reptile used for food, ceremony, and other purposes by the Western Shoshone people.

##### **3.2.7.3.2.4 Aquatic Species**

The Railroad Valley springfish may be impacted by the rail corridor. Again this species of fish is culturally significant to the Western Shoshone people. More recently the Duckwater Shoshone Tribe and the US Fish and Wildlife have entered into a safe harbor agreement to insure the springfish is protected and habitat restoration is on-going.

##### **3.2.9.1 Socioeconomics**

The Timbisha Shoshone Tribe is an incorrect statement and should not be made without proper documentation. Correspondence with the Timbisha Shoshone Tribe should be referenced to back up this statement.



8 **3.2.10.3 Radiological Health and Safety Environment**

There has been research done the Native American Community Action Council on Radiation Exposure and Pathway studies and the impact of radiation on Native American communities. This document should be added to the list of resource and research presented to the Center of Disease Control by Clark University and the affected Native American Tribes.]

9 **3.2.13 Cultural Resources**

Class II inventory, a 20% survey is insufficient. The Tribes have THPO's or Cultural Resource officers. The appointed people by the Tribes need to visit the entire rail corridor to insure that TCPs, sacred sites, doctoring places, plant gathering areas, paint sources are not impacted. Without proper survey, these places may be adversely impacted. The DOE needs to have ethnographic research completed for the entire rail corridor.

**3.2.13.4 Site-Specific Cultural Resources**

There are certain areas along the rail corridor such as massacre sites, and areas of conflict with Euro-Americans along the rail corridor. Again a ethnographic research needs to be conducted to prevent potential adverse affects to these places.]

10 **3.2.15 Environmental Justice**

The methodology of census blocks is inclusive because it does not address Native American community demographics, but views the Native American communities as a whole. Impacts to tribes such as the Moapa Paiute Tribe and the Las Vegas Paiute Tribe are not included or mentioned in this study. The Duckwater Shoshone Tribe, Yomba Shoshone Tribe and the Timbisha Shoshone Tribe are also not included in these reports.

The Duckwater Shoshone Tribe support the principles adopted by the delegates of the First National People of Color Environmental Justice Summit in 1991. The principles are as follows:

1. Environmental Justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental Justice demands that public policy be based on mutual respect and justice for all people, free from any discrimination or bias.
3. Environmental Justice mandates the right to ethical, balanced, and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. Environmental Justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. Environmental Justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

6. Environmental Justice demands the cessation of the production of all toxic, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.

7. Environmental Justice demands the right to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement and evaluation.

8. Environmental Justice affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.

9. Environmental Justice protects the right of victims of environmental injustice to receive full compensation and repatriation for damages as well as quality health care.

10. Environmental Justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration on Human Rights, and United Nation Convention on Genocide.

11. Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12. Environmental Justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all communities, and provide fair access for all to the full range of resources.

13. Environmental Justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14. Environmental Justice opposes the destructive operations of multi-national corporations.

15. Environmental Justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16. Environmental Justice calls for the education of present and future generations which emphasizes social and environmental issues based on our experience and appreciation of our diverse cultural perspectives.



17. Environmental Justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.]

11 [3.3.7.3.3.1 Threatened and Endangered Species

The Duckwater Shoshone Tribe as previously addressed our concern on the Railroad Valley springfish in 3.2.7.3.2.4.]

12 [3.3.10.1.2 Radiological Region of Influence

This section was previously addressed with the inclusion of the studies done by Clark University and the NCAC (Native Community Action Council).]

13 [3.3.13 Cultural Resources

3.3.13.3.4 Cultural Landscapes

A more thorough in-depth ethnographic study needs to be conducted. Areas of spiritual significant can be impacted.

3.3.13.4 Site-specific Cultural Resources

Not noted is this segment is paint (mineral) sources, medicinal and food plants areas that are still utilized and can be impacted.]

14 [3.3.15 Environmental Justice

The Region of Influence has be re-visited and Native American concerns clearly should be addressed.]

3.4 American Indian Interest in the Proposed Action

15 [3.4.3 American Indian Treaty Issues

The Duckwater Shoshone Tribe views the Ruby Valley Treaty as valid. With the recent passing of PL 108-270, this law does not relieve the United States of its obligation to the Ruby Valley Treaty, nor does it extinguish title to Western Shoshone homeland.])

These are the comments of the Duckwater Shoshone Tribe in regard to this EIS stated at the beginning of the letter.

Sincerely,

*Virginia Sanchez for*  
Jerry Millett

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**Duckwater Shoshone  
Tribe**

# Fax

To: EIS OFFICE/DOE-DCRWM

From: Jerry Millett

Fax: 800-967-0737

Date: 1/10/08

Phone:

Pages:

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

-Comments:

Duckwater Shoshone Tribe's Comment to Yucca  
Mountain Rail Corridor EIS' DOE/EIS-0250F-S2D &  
DOE/EIS-0769D.

Hard copy is also postmarked 1/10/08 and  
is in the mail.

Thanks,  
Jerry Millett.